GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Endowments Department – Certain irregularities in eviction of encroachers from lands of Sri Agastheswara (Malleswara) Swamy Temple, K.Uppalapadu situated at Agasthavarapadu Village, Pedakakani Mandal, Guntur District - Disciplinary action against Sri N.Vijay Kumar, former DC, Guntur – Inquiry - Charge not Proved – Disagreement factor communicated – Retired from service - Action under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Punishment of 15% cut in pension permanently - Imposed - Orders - Issued.

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3. Sri N.Vijay Kumar has submitted his Written Statement of Defence, vide reference 4th read above, denying the charge and as the same is not convincing, Government have entrusted the case of the Charged Officer along with other Charged Officers to the Commissioner of Inquiries, vide reference 6th read above. The Inquiry Authority has submitted the Inquiry Report vide reference 7th read above. In respect of the above Charged Officer, it is held that the charge framed against him as not proved. In the meantime the Charged Officer had retired from service on 31-01-2014 on superannuation.

4. And whereas the Government after examining the Inquiry Report observed that in the event of not executing the eviction orders passed by him, he should have brought it to the notice of higher officials. Mere passing orders and keeping silent / passive by the Charged Officer is not sufficient to hold the charge as not proved. Even the Assistant Commissioner and the Executive Officer of temple, other charged officers, have not evicted the encroachers. Thus it is held that the Charged Officer had not taken action / steps to get eviction of the encroachers from lands belonging to Sri Agasteeswara Swamy Temple, hence treated the charge framed against him as proved and disagreed with the findings of Inquiry Authority. Accordingly Government have communicated the disagreement factor to Sri N.Vijay Kumar, vide reference 8th read above, to submit his representation, if any, in the matter.

5. Sri N.Vijay Kumar has submitted his representation vide reference 9th read above stating that he has discharged his functions diligently and issued eviction orders authorizing the Assistant Commissioner of Endowments, Guntur to get the encroachers vacated. It is the duty of the Assistant Commissioner, Endowments Department, Guntur and the Executive Officer of the subject temple to implement the eviction order and that he shall not interfere in the post-eviction orders in any eviction proceedings and requested to discharge him from the disciplinary case.

6. And whereas the Government after examining the representation submitted by the charged officer to the disagreement factor and with material available on record, observed that the Charged Officer has passed the eviction orders in Proceedings No.11079/2005/B1, dated 30-12-2005 and the said orders have been received in the Office of the Assistant Commissioner of Endowments, Guntur on 02-08-2006 after a lapse of seven months. The Assistant Commissioner of Endowments, Guntur and the Executive Officer of the subject temple, after assessing the ground reality, have decided to evict the encroachers by using force, for which they have estimated the cost and submitted proposal for granting of funds on 03-07-2013, i.e., after a lapse of more than six and half years from the date of passing of eviction orders. The Charged Officer being an administrative authority has failed to take effective steps to evict the encroachers even after passing the eviction orders by him. Hence, it is held that Sri N.Vijay Kumar, Deputy Commissioner of Endowments, Guntur (now Retired), has failed to discharge his duties diligently and that he is guilty of the charge framed against him.

7. Government have provisionally decided to impose a penalty of 15% cut in pension permanently against Sri N.Vijay Kumar, former Deputy Commissioner of Endowments, (now Retired), under rule 9 of Andhra Pradesh Revised Pension Rules, 1980. Accordingly, a Show Cause Notice has been issued to Charged Officer, vide reference 11th read above with a direction to submit his representation. The Charged Officer has submitted his representation, vide reference 12th read above, re-iterating the contents earlier stated and requested to drop further action against him.

8. Whereas the Government have examined the matter and decided to confirm the provisional decision to impose a punishment of 15% cut in pension permanently against Sri N.Vijay Kumar, former Deputy Commissioner of Endowments, (now Retired) as the Charged Officer has not substantiated his stand. Accordingly, necessary proposals have been sent to Andhra Pradesh Public Service Commission vide reference 13th read above. The Andhra Pradesh Public Service Commission, vide

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reference 14th read above have concurred with the proposal of the Government (copy enclosed).

9. Accordingly, Government hereby order to impose a punishment of 15% cut in pension permanently against Sri N.Vijay Kumar, former Deputy Commissioner of Endowments, (now Retired) under rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

10. The Commissioner, Endowments shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N.Vijay Kumar, former Deputy Commissioner of Endowments, (now Retired)
through the Commissioner of Endowments, Andhra Pradesh, Gollapudi, Vijayawada.
(with a request to serve the Government Orders on the individual and submit the served copy with dated acknowledgment to the Government)
The Commissioner of Endowments, Andhra Pradesh, Gollapudi, Vijayawada.

Copy to :

The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Secretariat Building No.4, Velgapudi.
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada
The Secretary, Andhra Pradesh Public Service, Hyderabad,
The Accountant General, AP, Hyderabad.
The Director, Treasuries & Accounts, A.P, Vijayawada.
The Regional Joint Commissioner, Endowments Department, Tirupathi.
The Deputy Commissioner, Endowments Department, Guntur District.
The Assistant Commissioner, Endowments Department, Guntur District.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER